

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14276US02)

In the Application of:

Jeyhan Karaoguz

Electronically Filed on July 7, 2009

Serial No. 10/675,382

Filed: September 30, 2003

For: METHOD AND SYSTEM FOR
MEDIA PROCESSING
PROVIDING ACCESS TO
DISTRIBUTED MEDIA VIA A
CHANNEL GUIDE

Examiner: Langhnoja, Kunal N.

Group Art Unit: 2427

Confirmation No. 6840

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on April 7, 2009 (the Final Office Action) with a period of reply through July 7, 2009. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

REMARKS/ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. Claims 1-3, 6-9, 11-13, 16-19, 21-23, 26-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,219,839 ("Sampsell") in view of USPP 2002/0104099 ("Novak"). Claims 4, 5 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sampsell and Novak in view of USPP 2002/0053081

("Griggs"). The Applicant respectfully traverses these rejections at least based on the following remarks.

I. Examiner's Response to Arguments in the Final Office Action

In pages 2-3 of the Final Office Action, the Examiner relies for support on Sampsell's Fig. 1 and equates Sampsell's electronic program guide (EPG) **displayed at the host location** to Applicant's "detecting, ... and constructing a display view of available media at a plurality of different storage locations within said first geographical location." However, Sampsell's EPG is for display only within (i.e., not outside) the host location, and there is no disclosure or suggestion that Sampsell's EPG view is to be broadcasted outside the host location "for display at a second geographical location," as recited by Applicant's claim 1.

The Examiner then relies for support on Novak, which discloses that an end user (at a second geographical location) may view **media objects uploaded and stored in a web server**, through subscription by adding a synthetic channel to the end user's EPG view. However, even though Novak discloses viewing the uploaded media objects via subscribing to the synthetic channel, Novak still does not disclose that the media objects are communicated from the first geographical location (the location of the upload source) to the second geographical location (the location of the end user). For example, Novak discloses that the media objects are uploaded and stored in a web server 508, which is in a different location than the first geographical location , via a STB 504 and interface 506 (see Novak at ¶¶0061-0063). Novak also discloses that the end user may view the media objects by tuning to the synthetic channel via accessing the media objects from the website, such as a service provider (see Novak at ¶¶0071-0075). In other words, the media objects are not communicated from the first geographical location (the location of the upload source), but from the web server, which is located away from the first geographical location. Accordingly, the Applicant maintains that Novak still does not overcome Sampsell's deficiencies by disclosing "constructing at said first geographical location, at least one display view for display at a second geographic location, said at least one display view indicating the availability of said detected available media," as recited in Applicant's claim 1.

Moreover, the Applicant also points out that Novak's EPG view shows only the channels and content of the channels, without displaying the available media detected at the different storage locations at the first geographical location (the location of the upload source). In other words, Novak does not show any motivation, or suggestion to display on the EPG "the plurality of locations of the media objects at the first geographical location". Likewise, as pointed out above, Sampsell discloses that the EPG is for display only at the host location (i.e., first geographical location), but not to

be broadcasted outside the host location. In other words, Sampsell does not suggest that the media content, or the media storage location, be made known or be viewed by users outside the host location first geographical location. In this regard, the Applicant also submits that there is a lack of motivation to suggest that Sampsell is combinable with Novak.

Accordingly, the Applicant submits that the combination of Sampsell and Novak does not establish a *prima facie* case of obviousness to reject Applicant's claim 1.

II. Rejection of Independent Claims 1, 11 and 21 Under 35 U.S.C. 103(a)

A. Independent Claims 1, 11 and 21

The Applicant maintains the arguments in the 1/16/09 reply to Final Office Action. The Examiner is further referred to the above arguments by the Applicant in the Pre-Appeal Brief. The Applicant submits that claim 1 is allowable. Independent claim 21 is similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claim 21 is also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-3, 6-9, 12-13, 16-19, 22-23, 26-29 and 31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Sampsell in view of Replay TV has been overcome, and requests that the rejection be withdrawn. Additionally, claims 2-3, 6-9, 12-13, 16-19, 22-23, 26-29 and 31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

III. Rejection of Dependent Claims 4, 5, 10, 14, 15, 20, 24 and 30 Under 35 U.S.C. § 103(a)

The Applicant turns to the rejection of claims 4, 5, 10, 14, 15, 20, 24 and 30 by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Sampsell and Novak in view of Griggs.

Claims 4, 5, 10, 14, 15, 20, 24 and 30 depend directly or indirectly on independent claim 1, 11 and 21 respectively. Therefore, the Applicant submits that claims 4, 5, 10, 14, 15, 20, 24 and 30 are allowable over the references cited in the

Office Action at least for the reasons stated above with regard to claim 1. In addition, Griggs does not overcome the deficiency of Sampsell and Novak.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Patent Agent at (312) 775-8093.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: July 7, 2009

/Frankie W. Wong/

Frankie W. Wong
Registration No. 61,832
Patent Agent for Applicant

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 775-8093 (FWW)